IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE No 37 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE Sd/-
and
Hon'ble MR.JUSTICE D.A.MEHTA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NIKHIL V PATEL

Versus

COMMISSIONER OF INCOME-TAX

Appearance:

1. INCOME TAX REFERENCE No. 37 of 1987
MR JP SHAH for Petitioner No. 1
MR RP BHATT for Respondent No. 1

CORAM : MR.JUSTICE A.R.DAVE
and
MR.JUSTICE D.A.MEHTA

Date of decision: 31/07/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE A.R.DAVE)

1 At the instance of the assessee, the following question of law has been referred to this Court for its opinion under the provisions of section 256(1) of the Income Tax Act,1961 by the Income Tax Appellate Tribunal, Ahmedabad Bench "B".

"Whether on the facts and the circumstances of the case, the Tribunal was right in rejecting the claim of the assessee in respect of deduction of an amount equivalent to 25% of the amount of interest paid by the assessee to the partnership firm because of debit balance in the ledger account?"

2 Learned Advocate Mr.Manish J.Shah has submitted that in pursuance of instructions received from the assessee, he would not like to press this Reference.

3 In the circumstances, we decline to answer the question referred to this Court. The Reference stands disposed of accordingly with no order as to costs.

Sd/- Sd/-
(A.R.Dave, J) (D.A.Mehta,J)

m.m.bhatt